Rev (1951) Deptt

Memo. no 23500 F/51-4

dated 24-7-51

FOR MYSORE STATE

Mark your reply

Telegrams:- "GOWDER" MANGALOR

GOWDER & SONS,

(PROPRIETOR: B. M. GOWDER)

of Malnad Development Schemes
Model Farm Makers of
ltural, Industrial, Diary, Poultry,
Fisheries, Herbarium and
ort Facilities of Ancient Culture.

KAMBLA CROSS ROAD
MANGALORE, 3
S. INDIA

Date 19th March 1951.

BEFORE THE SECRETARY TO THE GOVERNMENT

REVENUE DEPARTMENT, MADRAS.

B. Medappa Gowda, son of Bakila Subbanna Gowda, residing in Kollamogru Village, Puttur Taluk, South Kanara District.) Memorialist.

Memorialist humbly begs to submit the following facts of his hard case for sympathetic consideration of the benign Government and favourable orders.

2. Memorialist begs to submit that the case in question relates to the assignment of plots Survey Nos. 64/1, 64/2 and 66/1A of Kollamogru Village, Puttur Taluk, South Kanara District. These three plots as well as Survey No. 95/3A of the said village are the Kana Patta Warg lands included in the holdings of one Chennappa Gowda. Chennappa Gowda applied for darkhast of the said four plots and they were assigned to him by the Head Quarters Deputy Tahsildar of Puttur in his proceedings D.R. No. 131/1356 dated 22-12-1947.

the said Chennappa Gowda said that he had no objection for the grant of Survey No. 95/3A on darkhast, as the same was the Kana Patta Warg land of Chennappa Gowda and agreed to remove

4. Memorialist submits that at the Jamabandy of 1948 the plots in question assigned to the said Chennappa Gowda were included in the holding of Chennappa Gowda and assessment was collected.

5. Memorialist submits that when matters stood thus the said Puttanna Gowda appears to have filed an appeal before the Revenue Divisional Officer, Puttur, on 8-8-1948 long after the appeal time against the assignment of Survey No. 95/3A to Chennappa Gowda, alleging that the plot in question is a Government Waste land and he was not aware of the darkhast proceedings in question and praying that he may be granted Survey No. 95/3A (9 acres) on darkhast but this is against his own statement given before the Revenue Inspector of Sullia on 24-6-1947 referred to abov It is therefore very strange that the then Revenue Divisiona Officer, Puttur, Janab S.A. Kareem who was new to this --- District and in spite of the lands had been included in the Patta at the time of Jamabandy of 1948 on the strength of the just assignment order D.R. No. 131/1356 dated 22-12-1947 of the Head Quarters Deputy Tahsildar, Puttur, passed after

6. Memorialist submits that the said Chennappa Gowda had no other alternative but to file a revision petition before the Collector against the Revenue Divisional Officer's order; but as the then Collector Sri N.C. Thomas who was equally new to this District and whose knowledge to the Katta Patta lands peculiar only to this District might have been limited, dismissed the revision petition in his Proceedings D.Dis. No. 25722/48 dated 9-2-49, the said Chennappa Gowda approached the Board of Revenue, Land Revenue, Madras, with a petition dated 30-5-1949, but without success; as the Board also refused to interfere in the matter o its proceedings B.Rt. No. 1848 dated 24-3-1950.

7. Memorialist submits that during the pendency of the revision petition dated 30-5-1949 filed by the said Chennappa Gowda before the Board of Revenue, the said Chennappa Gowda so his properties including the three Kana Patta Warg land plots dispute viz., Survey Nos. 64/1, 64/2 and 66/1A by executing a r gistered sale deed No. 629 dated 1-12-1949 in favour of one Ku Keshava Kudva on behalf of the Memorialist and the Memorialist obtained its release by a registered release deed No. 200 date 25-1-1951. I submit, that I had spent lot of money and energy seeking redress from the Collector and the Board of Revenue, Ma against the order of the Revenue Divisional Officer, Puttur, bu without success. Hence this memorial to the Government. Th Memorialist begs to submit that the ~~(cancellation of the)~~ assign made by the Head Quarters Deputy Tahsildar of Puttur, was wrongly cancelled by the Revenue Divisional Officer, Puttur suo moto. It must be remembered that there was no appeal against the three plots now in the enjoyment of the Memorialist.

8. Memorialist submits that the Kana Patta Warg. lands are a special feature of this District which were left for the exclusive enjoyment of the Kana Pattadars by clubbing them in their holdings at the concessional rate of assessment of four annas per acre and they are similar to the Mulpatta lands which are also peculiar to this District and they are also included in the holdings at the concessional rate of assessment of four annas per acre.

9. Memorialist submits that some of these Kana Patta Warg lands were originally yielding pepper and are called Pepper Kana lands like the plots in dispute, but as the said Chennappa Gowda's Kana lands, now in dispute, were adjoining the Government Reserved Forest (which is full of wild elephants) the pepper vines in the Kana plots were completely destroyed by the ravages of the elephants. The said Chennappa Gowda and his father before him, were paying the Kana assessment of over Rs.20/- per annum since the last settlement without any return from them. In order to improve the plots by converting some portions into pepper gardens and some portions into wet fields and other portion by building houses fit for habitation for the formation of a colony of landless farmers, the plots were obtained on darkhast by Chennappa Gowda. Chennappa Gowda could not take up the work immediately and so, sold to K. Keshava Kudva on behalf of the Memorialist along with other plots.

advocated by the Government and he intends to introduce them at once in the said Kana Patta lands as his efforts to give effect to the schemes in Government lands in the river-bed areas of the Kumardhari river failed on account of the un-sympathetic attitude of the Revenue Authorities.

11. Memorialist submits that it is impossible to give effect to the Schemes in question without investment of a large amount required to carry on the felling and fencing operations and to make effective cultivation of food crops and pepper vines and just when the Memorialist was preparing to introduce the Schemes in the above Kana Patta lands he found to his great dismay that the Board of Revenue also had dismissed the revision petition filed by Chennappa Gowda.

12. Memorialist submits that the condition that Kana Patta lands should be brought under cultivation and effective occupation before being permanently assigned to the Pattadar as expressed by the Revenue Divisional Officer, Puttur, could have been insisted upon if there was no Re-settlement as under the original Settlement Notification the assessment once fixed on lands included in the holding could not be changed whatever be the nature of the improvements carried on the land after the Settlement but under the Re-settlement Notification --- Government are at liberty to charge the appropriate wet and garden rates of assessment on dry lands converted into wet and garden after the Re-settlement so that, the Government do not stand to lose if these Kana Patta plots are assigned at the dry rate of assessment of six annas per acre.

13. Memorialist begs to state that he moved the Revenue Divisional Officer, Puttur to re-open the Darkhast Proceedings No. 131/1356 and consider afresh my prayer for the grant of plots Survey Nos. 64/1, 64/2 and 66/1A on darkhast to me, so that I can effectively get the land cultivated and also work out the several Schemes at my own cost. The Revenue Divisional Officer stated on 2-3-1951 (please vide page No.8 of the application) that he was favourably impressed with my practical schemes and stated that he cannot re-open the matter in view of the Board's order and my remedy lies, according to his views, in approaching the Government for a revision of the Board's Proceedings pointing out the rules of assignment of Kumki lands and their application to Kana lands in the matter of assignment of Kana lands. The Memorialist therefore prays that the Government do justice to me in the matter.

14. Memorialist therefore prays that the benign Government may be graciously pleased to call for all the relevent records and to restore the Puttur Head Quarters Deputy Tahsildar's order to enable the Memorialist to carry on his Schemes expeditiously before the monsoon of 1951.

Enclosures:

(1) Copy of the application addressed to the Revenue Divisional Officer, Puttur, dated 1-3-1951 with all the enclosed noted therein (seven in number).

(2) Eye-sketch of Kana Patta plot referred to in the petition.

Memorialist.

Telegrams:- "GOWDER" MANGALI

GOWDER & SONS,

(PROPRIETOR: B. M. GOWDER)

Organisers of Malnad Development Schemes
Model Farm Makers of
Agricultural, Industrial, Diary, Poultry,
Fisheries, Herbarium and
Transport Facilities of Ancient Culture.

KAMBLA CROSS RO/
MANGALORE, 3
S. INDIA

Date 15th March, 1951.

From

Sri B. Madappa Gowda,
Son of Bakila Sabanna Gowda,
Residing in Kollamogaru Village,
Puttur Taluk.

To

The Revenue Divisional Officer,
Puttur. (South Kanara).

S i r,

Sub:- Kana lands Survey Nos. 64/1, 64/2 and 66/1A of Kollamogaru Village, Puttur Taluk - Application for the grant of the same on darkhast.

In submitting this application for the grant of darkhast Kana lands Survey Nos. 64/1, 64/2 and 66/1A of Kollamogaru Village, I respectfully beg to submit as follows:--

2. The above Kana lands adjoining Survey No. 65/2 of the same village and comprised in Kana Patta Nos. 9 and 10 were in the possession and enjoyment of the ancestors of Chennappa Gowda, son of Kadody Krishnappa Gowda. Kana assessment on these lands was being paid year after year by the ancestors of Chennappa Gowda and Chennappa Gowda also.

3. In Darkhast Proceedings D.R. No. 131/1356 dated 22-12-1947 the above lands and Survey No. 95/3A were granted

on darkhast to Chennappa Gowda by the Deputy Tahsildar Puttur, and the assessment thereon was paid by the Pattadar but, later, the Darkhast Order was cancelled by the Revenue Divisional Officer, Puttur, in his Order D. Dis. No. 6661-48 dated 15-11-1948 passed on a time-barred appeal filed by one Chanthala Puttanna Gowda, son of Chanthala Rama Gowda of Kollamogaru Village. The Collector of South Kanara in his D. Dis. No. 25722-48 dated 9-2-1948 dismissed the revision petition filed by Chennappa Gowda. The Board of Revenue, Madras, when approached for redress, refused to interfere with the Collector's order in their Proceedings B.Rt. 1848 dated 24-3-1950.

4. In this connection, I beg to state, that Chenappa Gowda sold on 30-11-1949 certain properties, Survey No. 65-2 etc., along with the above properties to one Kundadka Keshava Kudva on my behalf for Rs.6000/- for the clearance of certain debts and also to enable the purchaser to cut the forest growth and make effective cultivation of food and garden crops etc. In the meanwhile, the darkhast order having been cancelled by the Revenue Divisional Officer much time and money were spent towards the appeal and revision petition. I got a release deed executed by Keshava Kudva on 22-1-1951 as per Registered Deed No. 200/51 dated 25-1-1951 of the Sale Deed properties.

etc., and construct houses for the habitation and settlement of my agricultural labourers. I therefore pray that Survey Nos. 64/1, 64/2 and 66/1A may be granted to me on darkhast at an early date.

6. In this connection I beg to submit that on a reference to the previous darkhast records of D.R. No.131/56 it will be seen that Chanthala Puttanna Gowda had been --- examined by the Village Shanbhogue and the Revenue Inspector. Puttanna Gowda did not object to the grant of the above --- lands on darkhast to Chennappa Gowda. At a later stage he filed a time-barred appeal in respect of Survey No.95/3A only, before the Revenue Divisional Officer, Puttur, and represented that he had no knowledge of the darkhast proceedings of D.R. No. 131/1356. This was entirely false and was made with a view to gain his own ends. The then Revenue Divisional Officer in his Order D. Dis. No. 6661-48 dated 15-11-1948 has stated that, only if effective cultivation and occupation is made by a Kana Assessee he has a right to claim it on darkhast. The Revenue Divisional Officer, I beg to submit, did not take into his consideration how effective cultivation can be made without clearing the bushes and forest growth and how can they be cleared and cut unless the Kana Assessee is assigned such lands on --- darkhast. Hence I beg to submit that if these lands are to be brought under effective cultivation they should be assigned to me on darkhast. I had incurred heavy expenditure in connection with the previous darkhast proceedings.

My aim and sole object was and is to develop this Malnad area and bring large tracts of land under effective cultivation and as labour is not easily available I propose to settle families of landless labourers in these areas under a Colony Scheme.

7. I was given no opportunity hitherto to introduce my colonisation scheme and cultivation of food and garden crops on Government waste lands in the riverbed areas of Kumaridari river as my efforts in this direction proved abortive on account of the unsympathetic attitude of theRevenue Authorities. I wanted to effectively demonstrate to the public my novel scheme called the Floating Scheme of timber and bamboo along the river down to Mangalore, but unfortunately I was directed to obtain forest coupes at public auction and work out the Scheme.. This would cost me a good deal for the coupes have to be obtained at competitive bids, by which my entire Scheme of bringing down inflation of prices of daily necessaries of life would be jeopardised.

8. I have sufficient Kana Patta lands adjoining Survey No. 65/2 of Kollamogaru Village. I now propose to carry out my schemes of colonisation, and development of these Malnad areas and convert them into habitable areas, and settle tenants there for the cultivation of food and garden crops etc. My "Floating Scheme" of timber and bamboos has to be carried through during the

coming rainy season. The operations of the scheme have to be started now itself i.e., from the beginning of March, for, the forest growth that obstruct cultivation has to be cut and cleared and suitable logs reserved to be transported under the Floating Scheme and the rest of the --- jungle-wood taken to the coast by lorries and utilised towards the needs of household necessities, such as cheap -- varieties of furniture and water pumps from timber and --- baskets and pipes etc., from bamboos.

My Kana Patta lands Survey Nos. 64/1, 64/2 and 66/1A of Kollamogru Village are full of jungle-wood. No effective cultivation can be made unless the bushes and jungle-wood are cleared. It may be incidentally said that this area was once a Pepper Estate and was the home of permanent cultivators. The Kana land derives its name on account of the existence of old pepper vines and gardens. But in course of time due to the havoc of wild animals these settlers had to flee from these areas. They thus lost their pepper gardens, their homes and their cattle, even today one can see the ruines of their homes, gardens and boundaries.

that these lands should be assigned to the pattadar and the policy so far persued reversed, so that the Kana pattadar is permitted to enter these areas without let or hindrance. There is a reserve forest closeby and it is the home of wild elephants and other animals. The tenants who are proposed to be settled there have to live in huts built on tree tops at least for one or two years to come, until a colony is established and model farms are built up. prevent wild elephants and other animals entering the model farms and habitable areas I have a scheme in view, of putting up a permanent natural fencing facility with the little cost and effort by planting thorny trees of a special specie which live for hundreds of years. If the Malnad areas are to be converted into habitable areas, fencing the reserve forests closeby, is very necessary, and so far, no attempts have been made in this direction with the result that even cultivable lands are lying fallow on account of the depredations of wild animals from the reserve forests. I am sure that my fencing scheme will prevent the wild animals from causing havoc to the food crops and save the agriculturists in future.

10. The above plots of Survey Nos. 64/1, 64/2 and 66/1A were granted on darkhast to the then Pattadar [illegible] Chennappa Gowda in D.R. No. 131/1356 and D. Notice issued and full assessment collected. But the darkhast was cancelled on a time-barred appeal filed by Chanthala Puttanr Gowda by the then Revenue Divisional Officer, Puttur, in

his order referred to above. I am now in possession and enjoyment of these Kana Patta lands as per Release Deed No. 200/51 dated 22-1-1951. None has any claim on these lands. In order to make effective cultivation the forest growth has to be cut and cleared. To enable me to do so I may be permitted to get into the area and carry on the felling and fencing operations and transport surplus timber that are unsuitable to my floating scheme to the coast for the utilisation of my cottage industries scheme for which I may be granted free one hundred (100) T.T. Permits. I am praying this facility because anyway I am eligible to have the benefits of timber etc., free of seigniorage from the Government in view of these Patta lands are to be granted to me alone on darkhast. The darkhast proceedings in respect of these plots may be also expedited and the lands assigned to me as early as possible and justice done.

Yours faithfully,

(B. ~~M.~~ Gowder) 4/3/57

6. Copy of the Proceedings of the Collector of South Kanara, D.Dis. No. 25722/48 dated 9-2-1949.

7. Copy of the Proceedings of the Board of Revenue, Madras B.R.T. No. 848 dated 24-3-1950.

W.P. No. 1842-51

Returned to the petitioner.

2 the question of assignment of the land in question cannot be re-opened now in view of the Board's order passed by him if at all, his remedy lies in approaching the Court for a revision of the Board's order pointing out the merits of assignment of Kumaki lands & their application to Kana lands in the matter of assignment of the latter class of lands.

H Narasimha

This Indenture made the 30th day of November 1949 between Chennappa Gowda son of Kadodi Krishnappa Gowda, Gowda caste, Wargdar, residing in Padikallu of Kollamogru Village, Puttur Taluk, hereinafter called the vendor of the one part and Keshava Kudva son of Kuddadka Vasudeva Kudva, Gowd Saraswath Brahmin, Trader, Puttur Casba, Puttur Taluk, hereinafter called the purchaser of the other part.

Whereas the vendor who is in possession of certain properties devolved on him as per registered Will No.1/29 dated 4-4-1929 of Sullia Sub Registrar's Office Book 3 Vol. 1 pages 104-107 executed by his grand-father Badka Gowda and whereas the wife of Badka Gowda is dead and Nagamma daughter of Badka Gowda and his step-mother is also dead and whereas the said property are in a bad condition due to non-availability of tenants, and whereas the decree debt due by the vendor to Putta Gowda is to be discharged and also certain other debts incurred by the vendor towards domestic expenses, and whereas the vendor has to incur heavy loss and troubles on account of the above debts getting larger and whereas it is considered expedient and profitable that in view of the increased prices of food-grains, to sell certain portionof the willed properties to the extent of the debts and retain the remaining properties free of encumbrances the vendor has contracted with the purchaser for sale to him (purchaser) certain portions of the properties got under the will and also certain Kana properties obtained on darkhast hereinafter described for Rupees six thousand only and in consideration thereof the purchaser should discharge (1) the mortgage debt of Rs.1300/- due to one Ismaliabba and two others, sons of Ali Kunhi Beary as per registered mortgage deed No.114/45 dated 14-3-1945 of Sullia Sub Registrar's

Office of Book I Vol. 78 page 456 together with interest at 6¼ per cent per annum up to 29-7-1947 and thereafter at 5½ per cent per annum amounting to Rs.359-13-0 in all Rs.1659-13-0 with further interest thereon and obtain discharge and the connected documents from the party.

(2) Registered pro-note debt dated 11-6-1946 of Rs.500/- due to Podia Beary together with interest at 6¼ per cent up to 29-7-1947 and thereafter at 5½ per cent amounting to Rs.104-8-0 amounting in all to Rs.604-8-0.

(3) Unregistered pro-note debt dated 16-11-1949 of Rs.1980/- due to Moosabba of Jabale of Nallur Kembraje Village and interest Rs.84-9Ø-0 amounting to in all Rs.1984-9-0.

(4) Rs.300/- and interest of Rs.75/- due to Parvathi wife of the vendor or daughter of Vendor's maternal uncle Nagappa amounting to Rs.375/-.

(5) The balance of Rs.1376-2-0 to be paid by the purchaser to the vendor before the Sub Registrar, Sullia.

Now this indenture witnesseth that the said vendor does hereby sell and convey to the said Keshava kudva the purchaser his heirs executors administrators or assigns all right, title and interest in the property hereinafter described for Rs.6000/- received in the manner specified above. The vendor hereby delivers to Keshava Kudva the purchaser the possession of the property now only, who should hereafter pay the assessment and cess and make improvements thereon without interference from anybody the vendor or his heirs or successors or his administrators have no right to question the sale deed and the vendor hereby declares the properties are free of any right,

lien or other encumbrances.

Description of property.

Property in the jurisdiction of Kollamogru Panchayet Board of 120 Kollamogru Village, Puttur Taluk and of sub registration district.

Sur.No.	S.D.No.	Kissam.	Extent. A. C.	Assessment. Rs. A. P.
65	2	Nanja	3 70	3 15 0
66	3	do.	2 28	2 0 0
65	1	Punja	0 37	0 2 0
66	1B	do.	1 2	0 6 0
64	1	do.	27 51	10 5 0
64	2	do.	23 58	8 14 0
66	1A	do.	24 57	9 5 0

The above property, bagayet, kadukare, mamool right of water and water sources and Kana Bane.

(Sd) P.K. Chennappa Gowda.

Witnesses:-

G. Puttanna Gowda, son of Gollyadi Channappa Gowda, Kollamogru Village.

M. Sannanna son of Mundodi Beliappa Gowda, Devachalla Village.

Written by K. Mana Mohan Prabhu, son of K. Subbaya Prabhu, Sullia.

Registered as 629 of 1949 of Book I Vol. 87 pages 496-498.

1-12-1949. (Sd)
Sub Registrar.

Seal of the Sub Registrar of Sullia.

3/51

This Indenture by way of Conveyance (release) this 22nd January of 1951 by Keshava Kudva, son of Vasudeva Kudva, Gowd Saraswath Brahmin, Puttur Kasba, Puttur Taluk, now an inpatient in the Wenlock Hospital, Mangalore, vendor of the one part in favour of Bakila Medappa Gowda son of Sabanna Gowda, Kollamggru Village, Puttur Taluk as beneficiary.

2. Whereas as per sale deed No.629/49 dated 30-11-1949 of Book I Vol. 87 pages 496-498 of the Sullia Sub Registration District executed by Chennappa Gowda son of Kadodi Krishnappa Gowda, Kollamgogru Village Village in favour of vendor on behalf of beneficiary of the undermentioned plots for Rs.6000/- with encumbrances of Rs.4623-14-0 to be discharged and whereas the sum of Rs.1376-2-0 paid to Chennappa Gowda before the Sub-Registrar, Sullia in consideration of the purchase belonged to the beneficiary and was paid by the vendor

3. Whereas the encumbrances referred to in the said sale deed are still undischarged and whereas the beneficiary was in actual possession of the said properties and had paid the aess and assessment, the said vendor hereby releases his muli right and all such other rights and liabilities and conveys the undermentioned properties to the beneficiary his heirs executors administrators for their possession and enjoyment and discharge the debts and improve the land.

That the vendor his successors and representatives have ~~any~~ no right to object to this release deed.

That the vendor has already delivered to the beneficiary the sale deed evidence and writings now in his possession and custody relating to the title of the vendor.

Description of property.

Property situate in the jurisdiction of Kollamogru Panchayet Board of 120 Kollamogru Village, Puttur Taluk.

Sur.No.	S.D.No.	Kissam.	Extent. A. C.	Assessment. Rs. A. P.
65	2	Nanja	3 70	3 15 0
66	3	do.	2 28	2 0 0
65	1	Punja	0 37	0 2 0
66	1B	do	1 02	0 6 0
64	1	do	27 51	10 5 0
64	2	do	23 58	8 14 0
66	1A	do	24 87	9 5 0

The above property bagayet land on the bund, Kadukare, Mamool water right and water sources and Kana and Bane.

(Sd) K. Keshava Kudva

Witnesses:- G. Puttanna Gowda, son of Gollyadi Chennappa Gowda, Kollamogru Village, Puttur Taluk.

P.K. Chennappa Gowda, son of Krishnappa Gowda, Kollamogru Village.

Written by M.G. Naik son of Keshavaya, Mangalore.

Registered as No.200 of 1951 of Book I Vol. 810 pages 95 and 97.

25th January 1951.

(Sd) . . . . . .
Joint Sub Registrar
Exercising powers of District Registrar.

This Indenture made the 23rd day of January 1951 between Chennappa Gowda son of Kadodi Krishnappa Gowda Gowda caste, Wargadar, residing in Padikallu of Kollamogru Village of Puttur Taluk, hereinafter called the vendor of the one part and Medappa Gowda, son of Bakila Sabanna Gowda of Kollamogru Village, Puttur Taluk, hereinafter called the purchaser of the other part.

2. Whereas the vendor in deference to the wishes of the purchaser executed on 30-11-1949 a sale deed of certain properties of Kollamogru Village, Puttur Taluk for Rs.6000/- Six thousand only as per Registered sale deed No. 629/1949 Book I Vol. 87 pages 496-498 of the Sullia Sub Registration District in favour of Kundadka Keshava Kudva son of Kundadka Vasudeva Kudva of Puttur Kasba with certain encumbrances thereon and delivered the properties to the purchasers' possession and whereas the said encumbrances had not been cleared and creditors had proceeded in a court of law and got decrees and have attached the properties and intend to bring them to --- sale and whereas major portion of the said sale deed properties are Punja lands and certain survey numbers of the said Punja are under dispute with the Revenue Department of which you are aware and also of the fact that those survey numbers punja lands were in the possession and enjoyment of my ancestors from time immemorial and they had grown forest growth and whereas on account of the adverse policy followed by the Revenue Department the main object of raising funds by cutting down the forest trees and sell them and clear the encumbrances covered by the sale deed and later cultivate the cleared area and grow food grain crops is at a standstill and resulted in heavy loss to you.

Keshava Kudva having executed a release deed conveying to purchaser his claim in the said properties and with a view to recoup the loss incurred by the purchaser the vendor has contracted with the purchaser for sale to him(purchaser) of the property hereinafter described for Rs.100/- one hundred only now this indenture witnesseth that the vendor does hereby sell and convey to the said Medappa Gowda (purchaser) his heirs executors administrators or assigns all right title and interest in the property hereinafter described for the sum of Rs.100/- One hundred only value received already.

That following the lands situated within the jurisdiction of Kollamogru panchayet Board of Kollamogru Village, Puttur Taluk, Sullia Sub Registration District, viz.,

Sur.No.	S.D.No.	Kissam.	Extent. A. C.	Which portion.
79	3	Nanja	9 57 2 50	Western portion to the extent bounded on the east by a portion of this sub-division, on the south Punja land, on the west Master Shivanna's field and on the north mamool water channel.
79	2	Punja	1 48 of0 48	Western portion to the extent bounded on the east by the portion of this sub-division number, on the south S.No.198/1A and 198/1B la on the west S. No. 78/3 land and on the north S. No. 79/3 land.

together with the forest growth Kana and Bana and Mamool right of water and path.

(Sd) P.K. Chennappa Gowda.

4/37/57

Proceedings of the Taluk Head Quarters Deputy Tahsildar, Puttur, dated 22-12-1947

Mr. A. S. D'Souza.

Name of Darkhast applicant: P. Channappa Gowda.

Name of Opposing claimant: None.

Assignment as noted in the schedule below is --- ordered with effect from the current Fasli subject to all the conditions laid down in B.S.O. 15 including those in B.S.O. 15 (14) reserving to Government, the existing and the future sandalwood growth on the land.

2. The assignment will be null and void if the land assigned be alienated to anybody other than a British subject or the subject of an Indian State without the previous permission of Government.

Schedule.

No. and name of Village.	120 - Kollamogru.
Survey and Sub-Division No.	64/1, 64/2, 66/1A and 95/3A.
Dry, wet or garden.	Dry. Dry. Dry. Dry.
Rate. ..	0-6-0, 0-6-0, 0-6-0, 0-6-0.
Extent. ..	27-51, 23-58, 24-87, 9-09.
Assessment...	10-5-0, 8-14-0, 9-5-0, 3-7-0.
Name of assignee.	P. Channappa Gowda.
Back assessment.	Nil.
Tree value collected. Sub-division fees and stone value collected.	Kan land, Kan land (stone value Rs.7-14-0), Kan land (do.0-6-0) Kan land (do. nil) collected. Ch.No.177/30-1-48.

3. The right of way passing through Survey No.95/3A is reserved.

Sd. A.S. D'Souza,
22-12-47.
Head Quarters Deputy Tahsildar.

/True copy/

1/3/51

Proceedings of the Revenue Divisional Officer, P u t t u r.

D.Dis. No. 6661-48.

Assignment - Land - Puttur Taluk - Kollamogaru Village - Survey No. 95-3A - DrR. 131/56 of the Head Quarters Deputy Tahsildar, Puttur - Appeal - Orders passed.

Chanthala Puttanna Gowda, son of Chanthala Rama Gowda, Kunhatti, Kollamogaru Village, Sullia Post.) Appellant.

Kadody Chennappa Gowda, son of Kadody Krish-nappa Gowda, Kollamogary Village.) Respondent.

Read petition dated 8-8-1948 from the Appellant and the records of enquiry.

Heard the arguments of the parties represented by their vakils Sri H. Pundarik Bhat for Appellant and Sri K.N. Mallya.

O R D E R

This is an appeal against the order of the Head Quarters Deputy Tahsildar, Puttur in D.R. 131/56 dated 22-12-1947 assigning Survey No. 95/3A and three other fields of Kollamogaru Village in the name of the Respondent. The Appellant claims Survey No. 95/3A for himself stating that his warg lands are depending on Survey No.95/3A for manure leaves and twigs. His contention is that at least 95/3A (p-09 acres),may be assigned to him when 84 acres and odd is assigned to the Respondent. The survey numbers are Kan lands already included in Kan Patta in the name of the Respondent. They are forest lands in which the assessee is at liberty to collect and cultivate forest produce of a specified kind and payment of Kan assessment confers a right to cultivate and gather pepper or cardomom. Subject to these specific rights these forest lands are in the same footing as kumki lands. The Kan assessee will have a preferential right to have the Kan lands assigned on patta only if he has made effective occupation in them by cultivation, use as house-site etc. If the Kan lands are not brought under effective occupation the Kan assessee can have no right to claim it on darkhast.

The Head Quarters Deputy Tahsildar assigned Survey No.64/1 (27-05), 64/2 (23-58), 66/6A (24-87) and 95/3A (9-09) to the Respondent for the mere applying, when there was no effective occupation of any kind. The assignment of a large extent of land to a particular individual for the sake of mere application defeats the very purpose for which they are kept up like that. The order passed by the Head Quarters Deputy Tahsildar, Puttur in D.R. 131/56 dated 22-12-1947 are set aside as they are opposed to canons of equity and justice. The Tahsildar will do well to set matters aright in the light of the above observations and take action to ---

assign only such extent as have been brought under effective occupation.

(Sd) S.A. Kareem,
15-11-48.
Revenue Divisional Officer.

/True copy/

Proceedings of the Collector of South Kanara, Mangalore.

Present:- Sri N.C. Thomas, B.A.,

D. Dis. No. 25722/48 dated 9th February 1949.

Assignment - Land - Puttur Taluk - Kollamogru Village - Survey Nos. 95/3A, 64/1 & 2 and 66/1A.- Regision petition - Orders passed.

Read:- 1. The records in the Puttur Tahsildar's D.R. No. 131/1356 dated 22-12-1947.

2. Puttur Revenue Divisional Officer's D. Dis. 6661/48 dated 15-11-1948.

3. Revision petition of Sri P.K. Chennappa Gowda, son of Kadody Krishnappa Gowda, residing in Kollamogaru Village, Puttur Taluk, South Kanara.

Heard the petitioner's Advocate Sri B. Anantha Rao, Mangalore on 7-2-1949.

O R D E R

This is a revision petition against Puttur Revenue Divisional Officer's appellate order dated 15-11-1948 setting aside the Puttur Head Quarters Deputy Tahsildar's order in D.R. No. 131/56 dated 22-12-1947 in respect of Survey Nos. 95/3A, 64/1, 64/2 and 66/1A of Kollamogaru Village.

2. The Revenue Divisional Officer is correct in holding that the petitioner is not eligible for the assignment of the lands because he has not effectively occupied any portion of them within the meaning of the terms specified in the Resettlement Scheme report.

3. The revision petition is accordingly dismissed.

Dictated to shorthand-writer, transcribed by him and corrected by me.

(Sd) N.C. Thomas,
9-2-1949.
Collector.

/True copy/

13/57

Proceedings of the Board of Revenue, Chepauk, Madras.

Sri W.R.S. Sattianathan, I.C.S.,
Commissioner of Land Revenue.

B.Rt. 1848. Dated 24th March 1950

Sub:- Assignment - Land (South Kanara) - Puttur Taluk - Kollamogru Village - S. Nos.64/1-2, 56/1A and 95/3A - P.K. Chennappa Gowda - Revision Petition - Orders passed.

Read:-1. South Kanara Collector's D.Dis. No.25722 of 1949 dated 9-2-1949.

2. Petition from P.K. Chennappa Gowda dated 30-5-1949.

3. Board's 5764/40-1 dated 11-6-1949.

4. South Kanara Collector's reference No.1441 of 1949-B5 dated 30-7-1949 and 28-1-1950.

5. Curator Madras Record Office No.6854-D8/49 dated 1-9-1949.

RESOLUTION:

1. The Board has perused the connected files and sees no grounds to interfere with the Collector's order. The petition is rejected.

2. xx xx xx xx

(True extract)

Sd. A. Somasundaran,
Asst. Secretary.

To the Collector of South Kanara para 1 with the connected records as per list by registered post.

" The petitioner through the Advocate, para 1 only. Sri B. Anantha Rao, Advocate, Kodialbail, South Kanara.

" The Curator, Madras Record Office, Para 2 by R.P.

/Forwarded/By order/

Sd. . . . . .
Superintendent. 24-3-50.

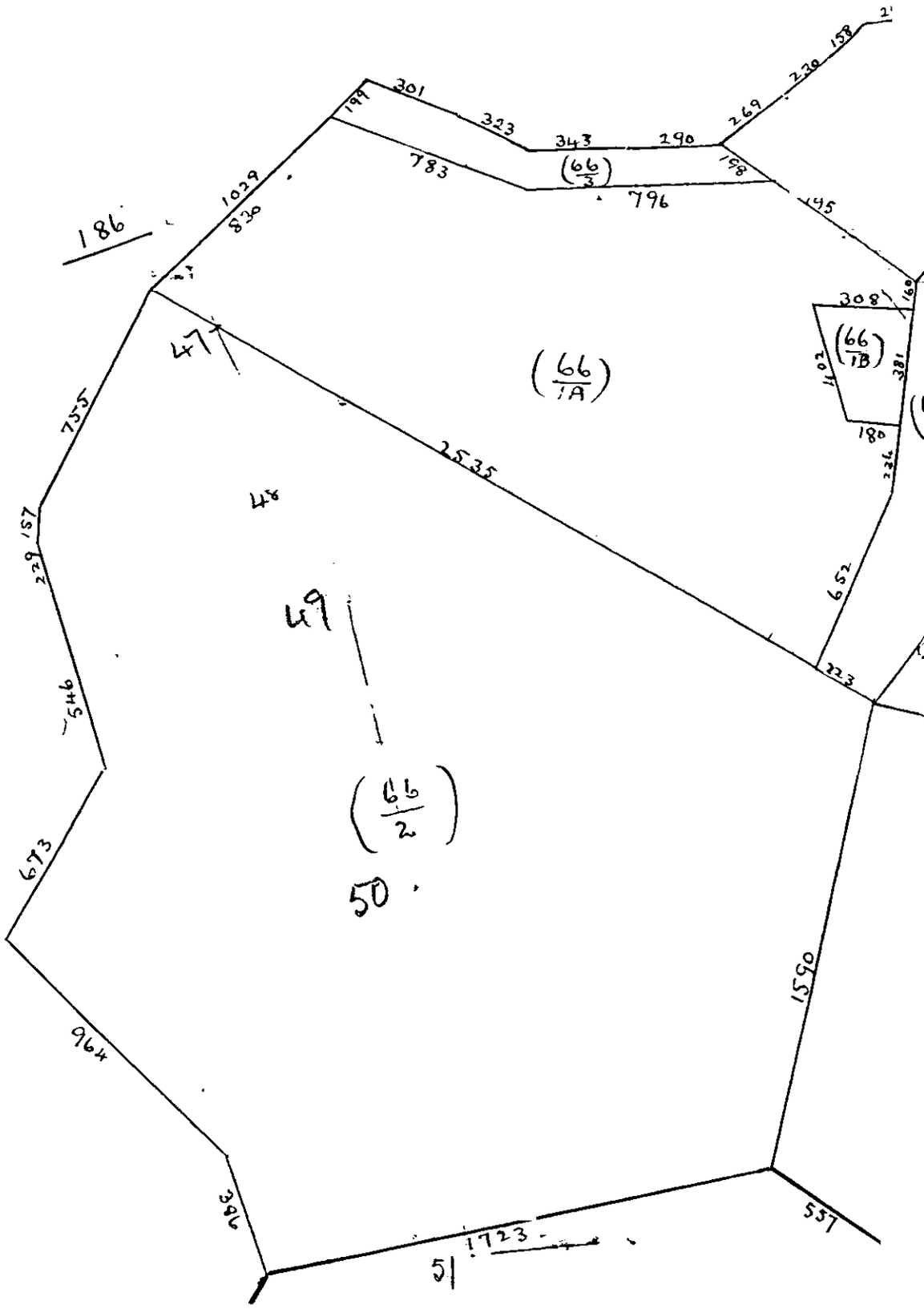
(True copy)

1/3/57

Sheet no. II

Village No 120.

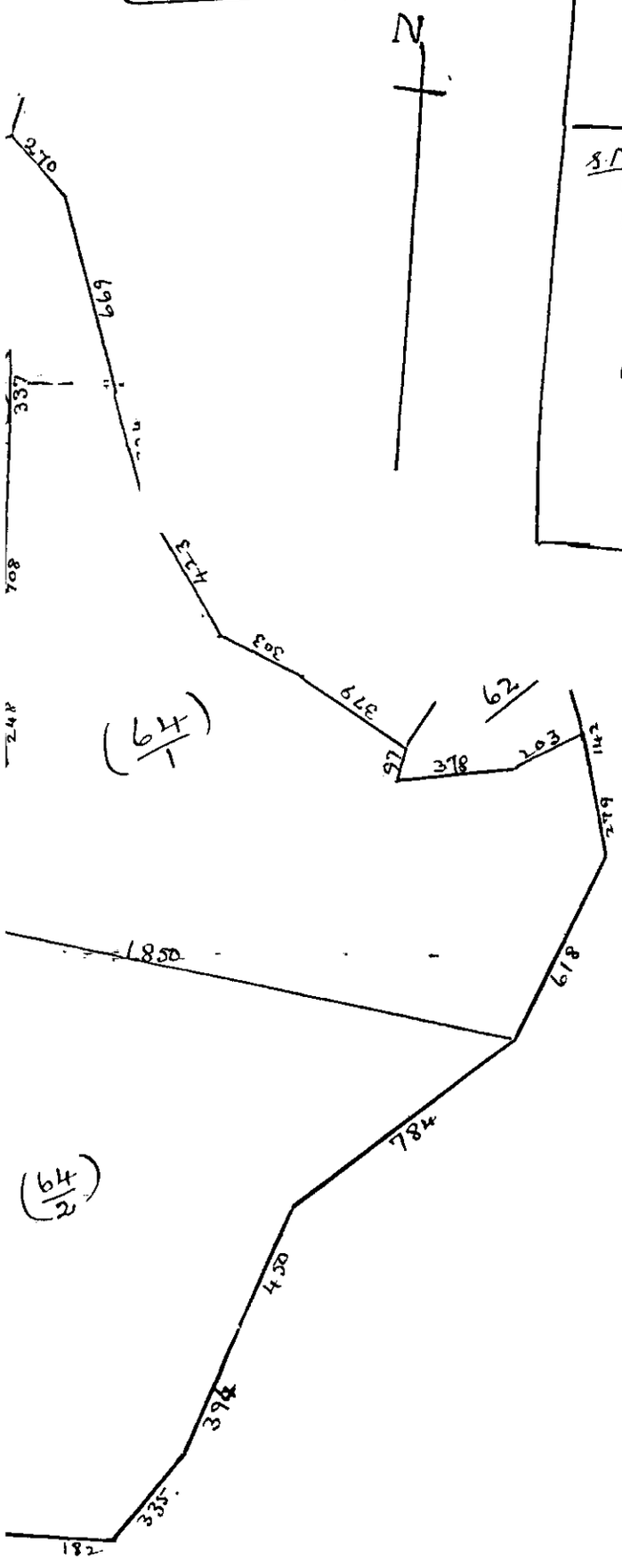
Outtrees Taluq
South Kanara



Kollamogru

Jirlo No	61	87.46 acres
	64	4.7 acres
	62	51.08 ~~4.7~~ acres

S.No	Sub No.	Kusam	Extent
64	1	Punja	27.51.
64	2	do	23.58.
65	1	do	0.37.
65	2	Ranja	3.70.
66	1A	Punja	24.87.
66	1B	do	1.02.
66	2	do	59.29.
66	3	II Ranja	2.28.



122

Kalmakarn village

Boundaries
19 Mar 51

Memo No: 23500 M51-1 D. 13/4/51

Land - (South Kanara) - Patlam taluk, Kollamogru village, Sy Nos 64/1 etc - Grant of grant - cancelled - Petition. Sri Medappa Gowda petition of 193/51

Ref 13/4/51

It copy of the petition quoted above is referred to the Collr of South Kanara for remarks with the connected records. The Report should be submitted through the Bd of Rev.

for CWE 10/4/51

Collr of South Kanara with copy of petition 64/1-15 of

10/4/51 for 15th SI.

13/4/51

REVENUE DEPARTMENT,

Subject;
ASSIGNMENT--Land--(South Kanara)--Puttur Taluk--Kollamogru Village S.Nos. 64/1 etc. Grant cancelled--Petition fro Sri Madappa Gouda Report submitted.

***

Rc. B. 3239/51-2.

Madras. Dated 29th June, 1951.

Sri A.F.Mascarenhas, I.A.S.,
Secretary, Board of Revenue, Madras.

Sri V.R.S. Sattianathan, I.C.S., Commissioner of Land Revenue.

Read: Government Memo.No.23500F/51-1, Revenue, d/ 13-4-51.
South Kanara Collector's R.C.No.B5.11796/51 d/ 14-5-51.

REFERENCE:

Submitted to the Government.

2. The Board agrees with the Collector. Board's Proceedings Rt. 1848 dated 24-3-1950 in which the case was disposed of by the Board is enclosed along with the other records. The Board has no further remark to offer.

for Secretary.

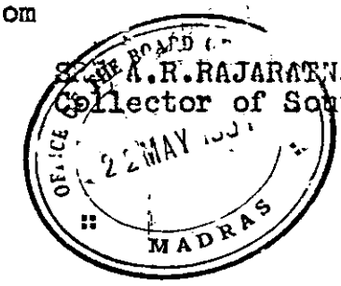
To the Secretary to Government, Revenue Department, Madras.
(With the connected records.)

BY REGIST RED POST.
Ref.C.No.B5.11796/51.

S.Kanara Collector's office,
Mangalore dated 14.5.51.

From

Sri A.R.RAJARATNAM, B.A.
Collector of South Kanara.



To

The Secretary to Government,
Revenue Department,
Fort S. George Madras 9
Through
The Secretary to the Board of Revenue
Land Revenue Chepauk
M A D R A S. 5
(In duplicate)

Sir,

LAND:- (South Kanara)- Puttur taluk--Kollamogru village--S.Nos.64/1 etc--orders of grant- cancelled- petition from Sri Madappa Gowda- remarks submitted.

***

Ref: 1.Government Memorandum No.23500 F/51-1 dated 13.4.51.
2.Board's Ref.A.No.3239/51-1 dated 30.4.51.

***

The points raised in the petition communicated in the Government Memo cited are dealt with below:-

PARA 2: It is a fact that S.Nos.64/1, 64/2, 66/1A and 95/3A of Kollamogar village Puttur taluk which are 'Kan' lands were assigned in favour of Sri K. Chennappa Gowda in DR 131/56 by the Head quarters Deputy Tahsildar Puttur on 22.12.47. But this order was set aside on appeal by the Revenue Divisional Officer Puttur in his D.Dis.6661/48 dated 15.11.48.

PARA 3: Sri Puttanna Gowda appealed to the Revenue Divisional Officer Puttur against the order of assignment of the Head Quarters Deputy Tahsildar Puttur. The statement made in the petition that Sri Puttanna Gowda gave his consent to the assignment of the plot S.No. 95/3A of Kollamogar village to Sri K. Chennappa Gowda on kan right during the enquiry held in DR 131/56 is correct.

PARA 4: It is always the practice to include the newly assigned plots in the ordinary holdings of the assignees if they already have one in the same village. The mere fact that they were included in the ordinary holding and that assessment was paid by the assignee, would not in any way strengthen his case as the assignment order was subsequently set aside by the Revenue Divisional Officer.

PARA 5: It is true that the appeal was filed by Sri Puttanna Gowda after the appeal time was over but it was entertained as a special case as per instructions under B.S.O.15(6). It is also a fact that the said appellant during enquiry in DR 131/56 gave his consent to the assignment of the plot S.No.95/3A to Sri K. Chennappa Gowda. His later version in the appeal petition that he was unaware of the Darkhast proceedings is a contradiction of his own statement.

in Board's proceedings No.85 Press dated 3.7.1934, it has been explicitly said that assessed kans are mere forest lands in which the assessee is at liberty to cultivate and collect, without restriction, forest produce of a specified kind in consideration of the payment of a small fixed annual payment ordinarily known as 'pepper shist' The payment of this sum confers only the right to cultivate and gather papper or cardamon or such other products as may be specified. Subject to these privileges assessed kans are just like kumki lands. It has been further stated that during the currency of the resettlement, kans brought under effective occupation except as provided for in the kan pattas will be assessed at the appropriate dry, wet or garden rate. In this case, as the kan lands were not brought under effective occupation the assignment order was cancelled. In other words kan lands are held or recognised as such under a distinct patta and ~~are~~ included in the ordinary holdings only when they are brought under effective occupation and are ~~finally~~ actually assigned to the Kanadars.

PARAS 9,10 and 11: I have no remarks to offer.

PARA 12: Kan lands are assigned only if there is a chance of bringing them under effective occupation and cultivation and the contention of the petitioner that the Government do not stand to lose if kan lands are assigned, does not carry any force.

The connected records of DR 131/56, D.Dis.6001/48, D.Dis. 25722/48 and D.Dis.14416/49 are enclosed for perusal and return.

Yours faithfully,

15/5

For Collector.

IC/15.5.51.

15/5

Rev Deptt

Please issue 25/7/51.

Memo no 23500 F/51-4 Dated 24-7-'51

Land - (South Kanara) - Puttur taluk - Kollamogru village - S.Nos 64/1 and 2, 66/1A & 95/3A - Orders of Grant Cancelled - Petition - Orders -

pp 1-2 cf From Sri Medappa Gowda petition dt. 19-3-'51

pp 30-32 cf From the Bd of Rev Ref B 3289/51-2 dt. 29-6-'51

The Govt have perused the connected records and see no reason to interfere on behalf of the petitioner. His petition is rejected

Sri. B. Medappa Gowda
Kamble Cross Road
Mangalore-3.

Please see the petition in the Cf

2. The petitoner has stated that the lands in S.Nos.64/1&2, 66/1A and 95/3A in Kolimogru village Puttur taluk, South Kanara dt., which were Kana patta warg lands were assigned by the Head Quarters Deputy Tahsildar, Puttur to one Sri Chennappa Gowda. Later, on an appeal filed by Sri Chentala Pattanna Gowda, the Rev. Devl. Officer cancelled the assignment ordered by the Dy. Tahr. Later Sri Chenna Gowda filed a revison petition to the collr. but the Collr. dismissed the same. The Board of Rev. when approached for redress refused to interfere with the Collr's orders. The petitioner has stated that while the revision petition was pending with the Board, Sri Chennappa Gowda sold certain properties along with the above lands to Sri Kundadka Keshava Kudva and that the petitoner later got release deed from Sri Keshava Kudva and that he is now the owner of the lands. He has now filed a petition against the orders of the Board and has requested that the original orders of the Hd. Qrs, Dy. Tahr., Puttur may be restored.

perused the connected records and has considered that there ~~were~~ no grounds for interference with the Collr's orders. In these circumstances it is for orders whether it will be considered unnecessary to interefere on behali of the petitioner or whether a report will be called for from the Collr. and the Board and the petition examined further.

7/4/51

7/4/51

9.4.51

5/4/51

To U.S.

A draft memo is submitted for approval

10/4/51

12/4/51

[Issued as Memo. no 23500 F(S)-1 dt 13-4
from the Bd of Rev Ref B 3289/57-2 dt 29-
from the Collr of South Kanara Ref F.1
11796/57. dt. 4-5

To A.S

Please see the notes from f. 1 and the Memo on f 29-CF and the Bds report & enclosures on ff 30-32 CF.

2. The Collector in his letter on ff 31-32 CF has dealt with in detail the points raised by the petitioner as may be perused. It is seen that as petitioner's predecessor-in-title had been in effective occupation of the Kan lands, the assignment made

in his favour was cancelled by the R.D.O.
The R.D.O, the Collector and the Board have
also considered that the assignment of such
a large extent of land to a single
individual was improper considering the
fact that there was no effective occupation
of any kind by the petitioners predecessor-
in-title. In the circumstances the Govt may
agree with the Board and reject the petition.
Subject to orders a draft Memo is submitted
for approval.

M/s 12-7-51

by 10.7.51 — Off — The petition may be
rejected. The petitioner
should be assigned and to
No Locus Standi to apply.

14.7.51

(AR) 24/7

HCM. (for AMLR)

SECRETARY TO GOVERNMENT
24 JUL 1951
REVENUE DEPARTMENT